

BOISE, TUESDAY, JANUARY 17, 2012 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

BRIDGE TOWER DENTAL, P.A.,)	
)	
Plaintiff-Appellant,)	
)	Docket No. 37931
v.)	
)	
MERIDIAN COMPUTER CENTER, INC.,)	
)	
Defendant-Respondent.)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. D. Duff McKee, District Judge.

Perkins Coie, LLP, Boise, for appellant.

Borton-Lakey Law Offices, PLLC, Meridian, for respondent.

In 2003, Appellant, Bridge Tower Dental, hired Respondent, Meridian Computer Center, to provide the dental practice with a computer hardware system subject to a warranty contract. In June of 2005, Bridge Tower Dental began experiencing problems with its server. Bridge Tower Dental entrusted its computer server, including both of its hard drives, to Meridian Computer Center in order to repair or restore the failing hard drive. While attempting to restore the failing hard drive, Respondent mistakenly confused the source and destination locations on the motherboard and inadvertently erased all of Bridge Tower Dental's data, including the practice's patient records from the working hard drive. Bridge Tower Dental filed suit against Meridian Computer Center for breach of contract and negligence under the law of bailment.

At trial, the district court denied Bridge Tower Dental's request to submit different jury instructions for the separate claims, and instead combined the contract claim with the negligent bailment claim in the final jury instructions. On April 27, 2010, the jury entered a general verdict in favor of Meridian Computer Center. Bridge Tower Dental filed a motion for judgment notwithstanding the verdict, or alternatively, a motion for a new trial, both of which were denied by the district court. The court entered an order awarding attorney's fees and costs to Meridian Computer Center under I.C. § 12-120(3). Bridge Tower Dental now appeals to this Court, arguing that the district court erred in denying its motion for judgment notwithstanding the verdict because Meridian Computer Center failed to prove that it was not negligent in destroying the working hard drive, that the court erred in denying the motion for new trial because the jury instructions were improper, and that the district court erred in awarding attorney's fees and costs.

BOISE, TUESDAY, JANUARY 17, 2012 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

DAVID F. OAKES, M.D.,

Plaintiff-Counterdefendant-Appellant,

v.

**BOISE HEART CLINIC PHYSICIANS,
PLLC,**

**Defendant-Counterclaimant-
Respondent.**

Docket No. 38146

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. D. Duff McKee, District Judge.

Banducci, Woodward, Schwartzman, PLLC, Boise, for appellant.

Hall, Farley, Oberrecht & Blanton, PA, Boise, for respondent.

This case arises out of a determination by the district court that David Oakes (Oakes) was not the prevailing party in his claim against his former employer, Boise Heart Clinic Physicians, PLLC (BHC). Oakes brought a claim against BHC alleging that the company owed him money pursuant to an employment contract. BHC filed a counterclaim alleging that Oakes had been overcompensated for his work, and that Oakes owed BHC for the overpayment. A jury sided with Oakes and awarded him \$2,043.92, a fraction of the amount he sought. The district court entered a judgment awarding Oakes the \$2,043.92, but found that neither party was the prevailing party for purposes of costs or attorney fees. Oakes appeals that determination to this Court.

BOISE, TUESDAY, JANUARY 17, 2012 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

JEBB HUSKINSON and BRANDIE HUSKINSON, a married couple,

Plaintiffs-Respondents,

V.

LYNN C. NELSON, JR., and JANA NELSON, a married couple,

Defendants-Appellants.

Docket No. 38066

Appeal from the District Court of the Seventh Judicial District, State of Idaho,
Madison County. Hon. Gregory S. Anderson, District Judge.

Hopkins Roden Crockett Hansen & Hoopes, PLLC, Idaho Falls, for appellants.

Rigby Andrus & Rigby, Chtd., Rexburg, for respondents.

This is a boundary dispute. Appellants Lynn and Jana Nelson argue that they own a strip of land even though the county property records indicate the respondents Jebb and Brandie Huskinson own it. The Nelsons and Huskinsons own adjacent parcels and are arguing over the location of the boundary that divides them. The Nelsons contend that an old fence, which is located entirely on land the Huskinsons hold title to, constitutes the boundary, and that the land to the west of the old fence belongs to the Nelsons because of a boundary by agreement. The Huskinsons assert that neither they, nor their predecessors in interest, agreed to any boundary. According to them, the property line described in the deed is still valid, so they own the disputed land. The district court granted summary judgment to the Huskinsons. The Nelsons appealed.